

Remarks

This amendment is responsive to the official action of Paper No. 20050222, mailed March 25, 2005, and is accompanied by a petition for extension under 37 C.F.R. §1.136(a) and the required fee. The number of claims remains within the number permitted under filing fees previously paid. No new matter is presented.

Claims 1-16 were rejected as indefinite due to terms that were considered to lack antecedent basis or otherwise to be unclear or improper in form. Claims 11 and 13 have been canceled and the remaining claims have been amended to more particularly define the invention. The terms questioned in the official action have been corrected.

Claim 1 has been revised for definiteness and also to better distinguish over US Pat. 6,550,979 – Gransow et al. The hose and the fitting connection therefor are set forth with proper antecedent basis and with recital of the stated relationships of these parts.

As to claim 2, the concept “without actuating any components” has been revised to state more clearly that the hose is inserted and withdrawn without displacing any moving parts. The lack of moving parts is supported in the description at paragraph [0016].

Antecedent basis is provided for the slot in claim 9. Responsive to the examiner's inquiry, the “undercut” aspect of claim 9 is shown, at least, in Figs. 2, 3 and 4, where the protrusions 14 extend laterally inwardly at the opening to the groove, thus providing a cross section wherein the slot is narrower near the opening to the groove and wider behind the opening, i.e., undercut. The groove is also generally described and shown throughout the drawings as capturing the hose in

the groove, behind a slot that is marginally narrower than the hose, such that the hose is compressed slightly in passing through the slot.

Claim 10 is reworded as suggested. Claim 11 (deformable and/or pivotable element) and claim 13 (tapering of slot leading into groove) have been canceled, without prejudice.

Re claim 16, antecedent basis is provided for the guide groove for the translatable slide, which according to the claim is also the groove that accommodates the hose. No new matter is presented. The claims as amended are definite.

Objection was made to the drawings under 37 C.F.R. §1.83(a) for failure to illustrate the subject matter of claims 11-13. Claims 11 and 13 have been canceled, without prejudice. Claim 12 has been amended to recite that the means for securing the hose comprises a change in cross-section along the groove. This subject matter is shown by protrusions 14 of securing device 12 in Figs. 2, 3 and 4. Therefore applicant requests reconsideration of the objection to the drawings.

Claims 1-3, 5, 6, 8 and 14 were rejected as anticipated by Pat. 6,550,079 – Gransow et al. Claims 7 and 11 were considered obvious from a combination of Gransow and Pat. 6,802,089 – Cropelli.

Applicant is pleased to note that the substance of claims 5 and 15 was in each case considered patentable if the Section 112 issues were resolved. These claims have been placed in independent form and are believed to be allowable in accordance with the official action.

Claim 1 and the claims depending from claim 1 are not anticipated by Gransow or obvious from a combination of Gransow and Cropelli, as the claims have been amended.

Regarding Gransow, the structure of the shower head and its connection to the hose are shown in Gransow's Figs. 2 and 3. The shower head has a holder 22 and opposite from the shower head 2, the holder defines a cylindrical part with two

semicircular ribs 210, 220. These ribs slide in the interior of the tube 10, shown in Figs. 4 to 6, for changing the elevation of the shower head as shown in solid versus phantom lines in Fig. 1.

Gransow's hose 20 is coupled to the shower head holder 22 at the end of the cylindrical holder part that is located within tube 10. As a result, when the shower head is carried by the tube 10, the fitting connection between hose 20 and shower holder 2 is made inside the tube 10.

According to applicant's invention as defined in claim 1 as amended, the fitting connection between the shower head and the hose is spaced apart from the mounting rod. This aspect is demonstrated by Fig. 1, and discussed, for example, at page 5 of the application (paragraphs [0025]-[0026] as published). Applicant's hose 9 is routed along an arch bridging the transition from the holder 4 to the rod 1. This is advantageous because the shower head is supported, the hose is neatly managed, the hose leads out of the guide tube, and kinking of the hose is prevented.

Thus, applicant's claimed invention comprises a guide for the shower hose that is configured to guide the shower hose from the fitting connection connecting the hose to the shower head at least to a vicinity immediately adjoining the rod. This subject matter is not found in Gransow, where the hose and the portion of the shower head slider to which the hose attaches, are disposed inside the wall rod. Whereas Gransow does not meet the invention claimed as a whole, there is no support for the rejection under 35 U.S.C. §102. Furthermore, Gransow's disclosure does not suggest any benefit or provide any incentive for modifying the disclosed structure to more nearly resemble applicant's invention.

Gransow is cited in combination with Cropelli as to claim 7 (the groove opens at the front) and claim 11 (now canceled). In Cropelli, the tube is arranged wholly outside of any guide tube and the holder along engages in the groove of the wall bar. Even though Cropelli's slot opens in the front, there is no disclosure or suggestion leading toward applicant's claimed invention as whole. Either the prior

art places the flexible tube outside of any guidance slot in the wall bar as in Cropelli, or the prior art carries the tube inside of the wall bar right up to a coupling with the shower head at a point inside the guide bar slot as in Gransow.

There is no teaching or suggestion in the cited references that would lead a person of ordinary skill to expect that there would be advantageous or possible to configure the guidance and hose structure differently, such that the hose emerges from the wall bar guide slot and is further guided to a coupling with the shower head, in the manner claimed. Applicant's invention manages the tube so as to keep the tube clear of interference with the user. Applicant's shower head is easily adjustable in elevation of the shower head. Furthermore, applicant's arrangement with part of the hose guidance outside the wall bar slot, provides a structure by which the user can detach and manipulate the shower head as a hand shower or replace the hand shower and the tube within the guide structures, especially in tension against sliding resistance at a remote point along the wall bar. These and other aspects render the invention patentable over the prior art of record.

There is no basis to combine Gransow and Cropelli, which teach mutually exclusive alternatives wherein the hose is disposed wholly inside a tube (Gransow) or wholly outside of any confinement (Cropelli). It is only with a knowledge of applicant's solution that it can be seen that there are advantages to configuring such a mounting so that the tube can emerge from the guide slot.

The claims as amended are definite and in proper form. The invention is not disclosed in the prior art as claimed. The differences between the invention and the prior art are such that the subject matter claimed as a whole is not shown to have been known or obvious. Reconsideration and allowance of the claims are requested.

Per the examiner's request for a copy of EP03028538, applicant submits copies of EP1428943A2 and -A3. These documents are publications of EP03028538, which is a European application that also claims priority of the DE application whose priority is claimed in the present US application. The prior art cited in the EP search report (namely the -A3 publication) is of record.

Respectfully submitted,

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